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**REMARKS**

**Status of Claims**

Claims 1-12, 30-34, and 39-44 are pending in the application.

No amendments are being made in this response.

In the Office Action mailed January 11, 2005, the declaration under 37 CFR 1.131 was considered to be ineffective. The Examiner did not receive Exhibits A, B, and C which were intended to accompany the amendment. Additionally, the Examiner noted that the declaration had not been signed by David DiNunzio and considered that the statement that the inventor was no longer available for signature was not sufficient to show the inventor is no longer available.

In a telephone discussion with the Examiner, the Examiner indicated that a letter from the HR department of the assignee would be sufficient to establish that David DiNunzio was no longer available for signature. Accordingly, Applicants enclose herewith a copy of a letter signed by Michele Yanosko, Benefits manager for the Assignee, Royal Appliance Manufacturing Co., indicating that David DiNunzio left the Assignee's employment in August 2000. Applicants submit that this information is sufficient to establish that David DiNunzio is no longer available for signature.

Additionally, Applicants enclose herewith copies of Exhibits A, B, and C. Applicants request that the previously submitted declaration now be considered.

Claims 1 and 7 were rejected under 35 U.S.C. §102(e) as being anticipated by Yung (US Patent No. 6,484,350).

Claims 2-6 and 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yung in view of US Patent No. 6,256,834 to Meijer, et al.

Claims 33 and 34 were rejected under 35 U.S.C. §102(e) as being unpatentable over Yung in view of Meijer and further in view of US Patent No. 3,653,189 to Miyake, et al.

Claim 39 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yung in view of US Patent No. 5,979,014 to Reichow, et al.

Claim 40 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yung in view of US Patent No. 5,979,014 to Reichow, et al and further in view of US Patent No. 6,295,831 to Watson.

Claims 41 and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yung in view of US Patent No. 3,599,273 to Shirayanagi, et al.

Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yung in view of Reichow, et al. and further in view of Meijer, et al.

Claim 44 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yung in view of Reichow, et al. and further in view of Miyake, et al.

Claims 8-12 were considered to be allowable over the prior art.

Applicants submit that the declaration of the inventors under 37 C.F.R. §1.131, filed October 20, 2004 and Exhibits A, B, and C, attached hereto establish that the invention of claims 1, 2, 4, 7, 8, 9, 11, and 12 was completed in this country prior to December 8, 1999, the claimed priority date of US Patent No. 6,484,350 to Yung. Applicants reiterate the statements made in the amendment filed October 20, 2004.

Further, the declaration establishes that the invention of at least those features of claims 30, 31-34, 39, 41, 42, and 44, said to be disclosed by Yung was completed in this country prior to the claimed priority date of US Patent No. 6,484,350 to Yung.

The declaration is signed by all of the inventors except David DiNunzio, who is no longer available for signature, as evidenced by the letter signed by Michele Yanosko.

Accordingly, it is respectfully requested that Yung be removed as a reference against these claims.

The secondary references, Meijer, et al., Reichow, et al., Shirayanagi, et al., Watson, and Miyaki, et al., are not as relevant as was Yung. Accordingly, it is submitted that claims 1-12, 30-34, and 39-44 are patentable over the references of record.

Application Serial No. 10/790,304  
Filed: March 1, 2004  
Response to Office Action of January 11, 2005

An early allowance of all pending claims is earnestly solicited.

Respectfully submitted,

**FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP**

Dated: April 6, 2005

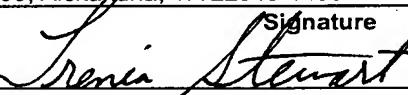
  
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Jay F. Moldovanyi, Reg. No. 29,678  
Ann M. Skerry, Reg. No. 45,655  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, OH 44114-2518  
216/861-5582

**CERTIFICATE OF MAILING**

I certify that this Amendment is being

- deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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Express Mail Label No.:
Date
April 6, 2005

 _____ Signature
Trenia Stewart
Printed Name
Trenia Stewart



# ROYAL

APPLIANCE MFG. CO.

7005 Cochran Road • Glenwillow, OH 44139  
440.996.2000 • 888.321.1134 • Fax: 440.996.2003

Thursday, February 17, 2005

To whom it may concern:

David Dinunzio was an employee with Royal Appliance Mfg. Co. from 10/5/1998 until 8/29/2000. During his employment, David worked in our Engineering Department.

If you have any questions, please give me a call at 440-996-2221.

Sincerely,

A handwritten signature in cursive ink that appears to read "Michele Yanosko".

Michele Yanosko  
Benefits Manager

**Privacy**  
TECHNOLOGIES

**Dirt Devil**



5	PO-1197	ROYAL CAN VAC 2	5				
DATE	EMPLOYEE INITIALS OR NO.	JOB NO.	CLIENT	PROJECT	CODE	DATE/TIME	DOLLARS/HOUR

**CODE CLASSIFICATION**

ADDITIONAL COMMENTS:

talk at LYNCOY on  
Project BACKGROUND INFO

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**CODE CLASSIFICATION**

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**CODE CLASSIFICATION**

ADDITIONAL COMMENTS:

Exhibit B

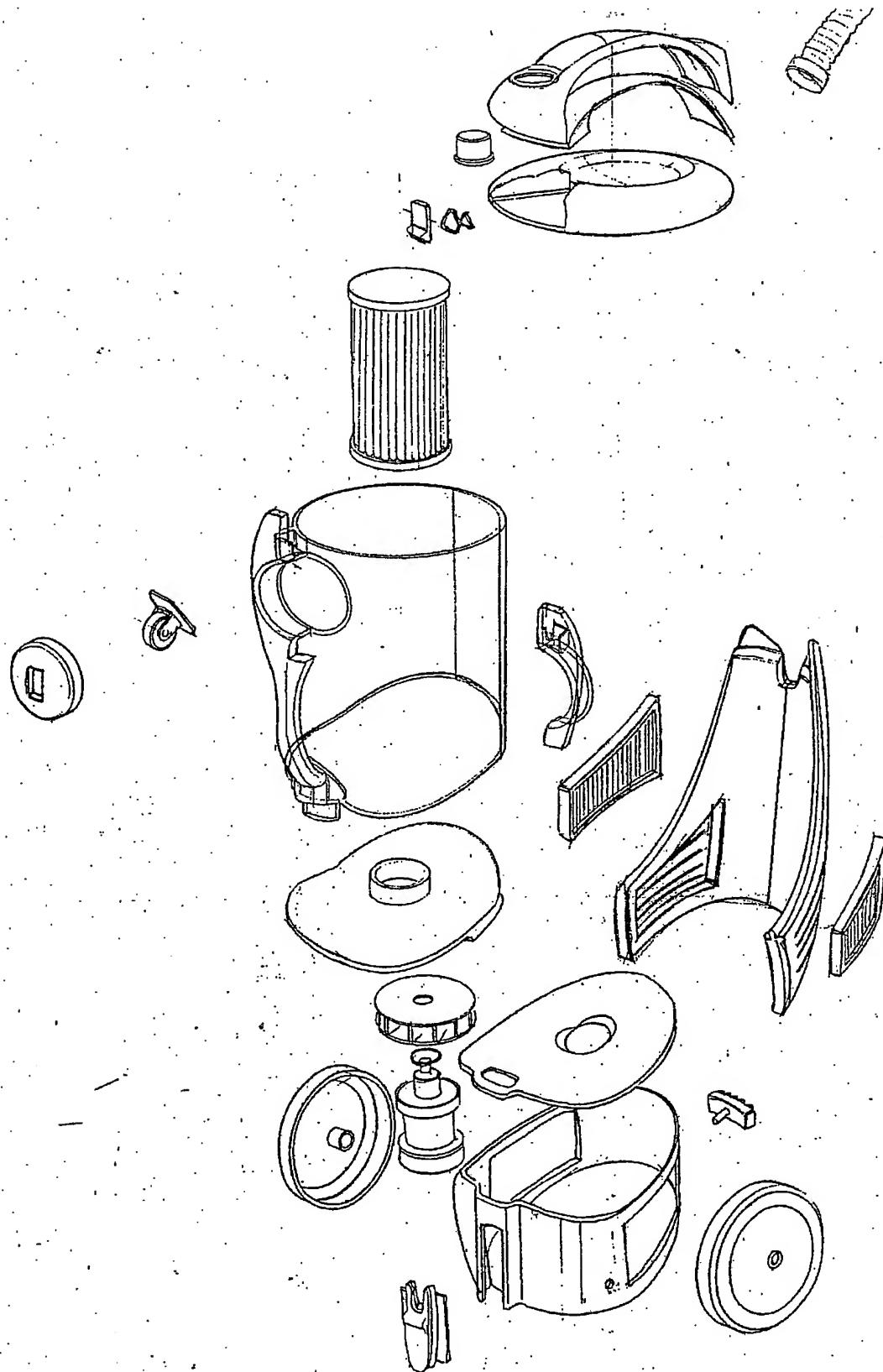
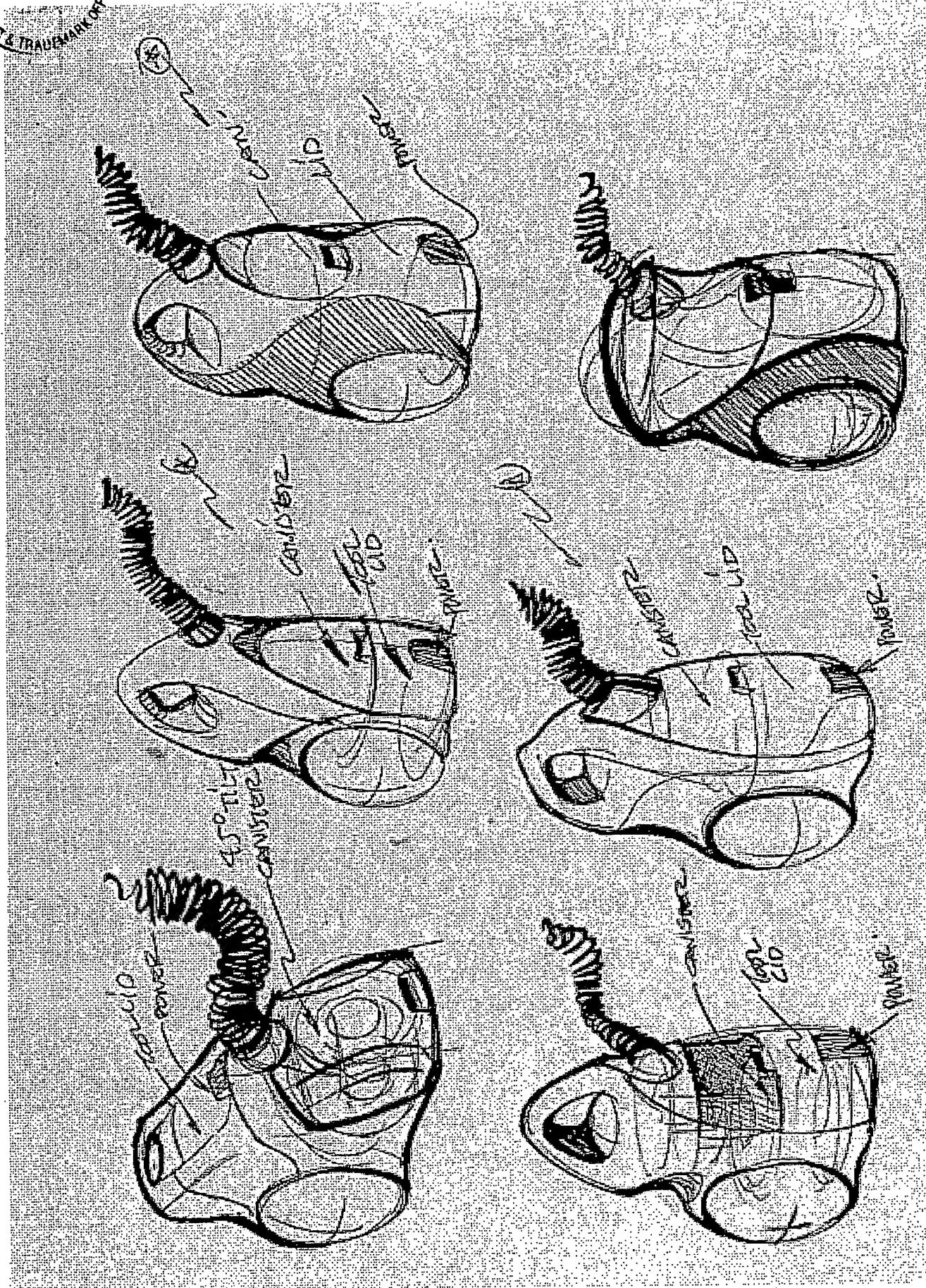
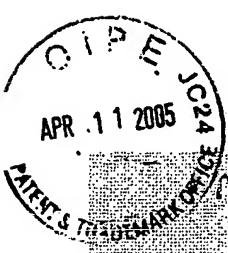


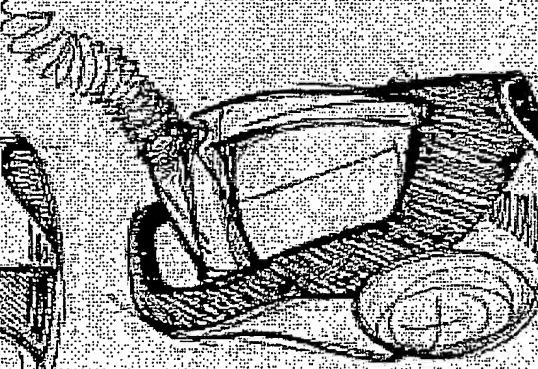
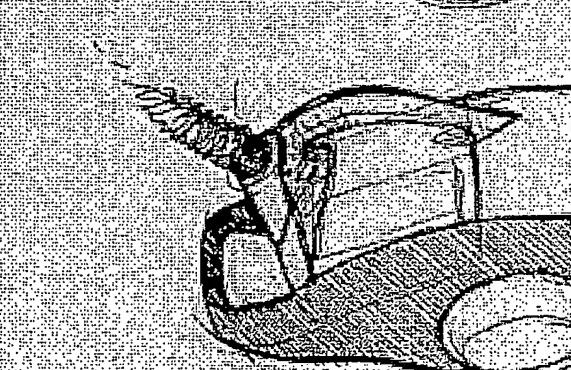
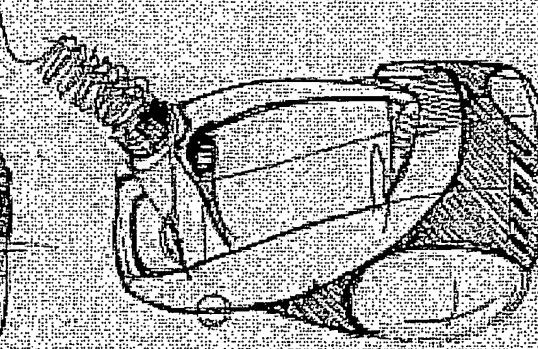
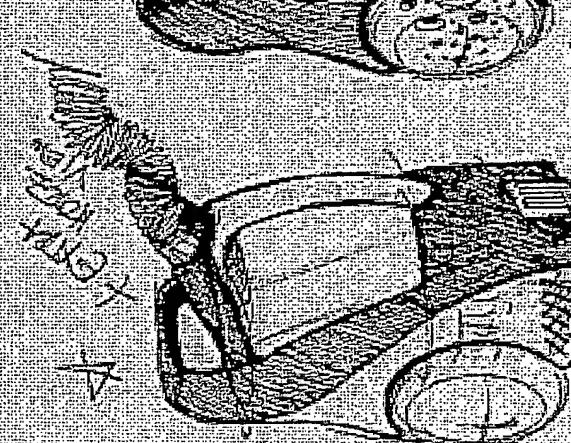
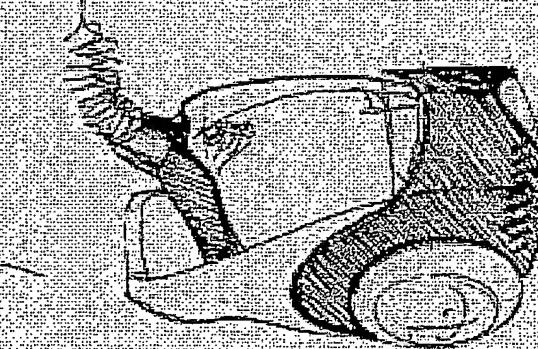
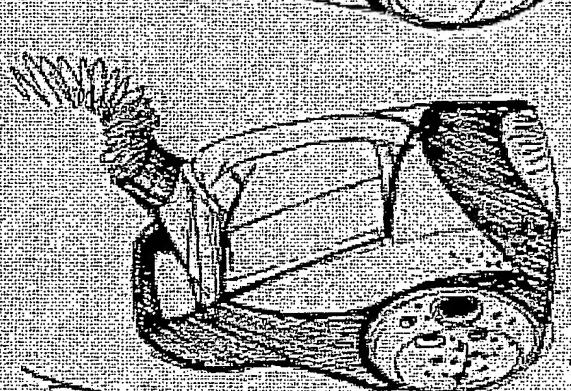
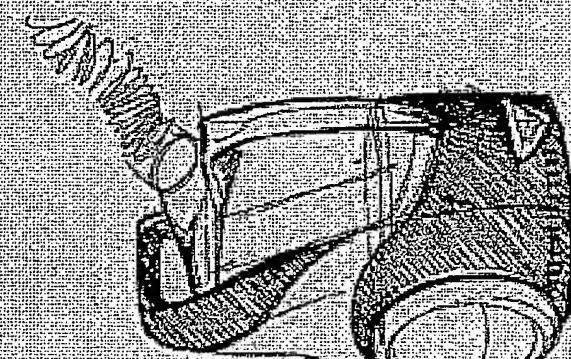
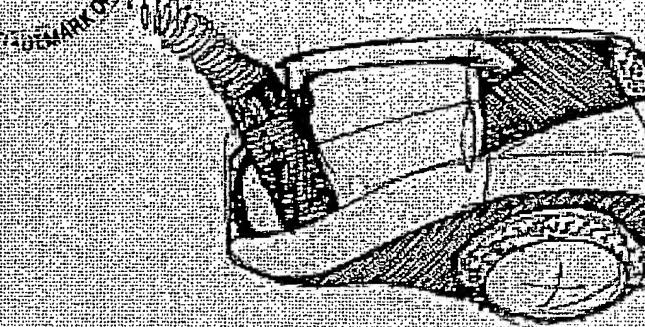
Exhibit A





GRAPHIX

ALL SAME  
DIFF.



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